

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: JUUL LABS, INC.,
MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY
LITIGATION,

Case No. 19-md-02913-WHO

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT AND
PROPOSED AGENDA**

This Document Relates to:

ALL ACTIONS

Pursuant to Civil Local Rule 16-10(d), counsel for Defendants Juul Labs, Inc. (“JLI”), Altria,¹ Director Defendants,² E-Liquid Defendants,³ Retailer Defendants,⁴ and Distributor Defendants⁵ (collectively “Defendants”), and Plaintiffs’ Co-Lead Counsel (“Plaintiffs”) (collectively referred to herein as the “Parties”) respectfully provide this Joint Case Management Statement in advance of the Further Case Management Conference scheduled for July 19, 2023.

¹ “Altria” refers to Altria Group, Inc., and the Altria-affiliated entities named in Plaintiffs’ Consolidated Class Action Complaint and Consolidated Master Complaint (collectively, “Complaints”), see ECF Nos. 387, 388.

² “Director Defendants” refers to Messrs. James Monsees, Adam Bowen, Nicholas Pritzker, Hoyoung Huh, and Riaz Valani.

³ “E-Liquid Defendants” refers to Mother Murphy’s Labs, Inc., Alternative Ingredients, Inc., Tobacco Technology, Inc., and Eliquitech, Inc.

⁴ “Retailer Defendants” refers to Chevron Corporation, Circle K Stores, Inc., Speedway LLC, 7-Eleven, Inc., Walmart, and Walgreen Co.

⁵ “Distributor Defendants” refers to McLane Company, Inc., Eby-Brown Company, LLC, and Core-Mark Holding Company, Inc.

1 **I. PARTICIPANT INFORMATION**

2 The July 19, 2023 CMC will proceed by Zoom. Anyone who wishes to attend the
3 conference virtually may log in using the information available at:

4 <https://www.cand.uscourts.gov/judges/orrick-william-h-who/>.

5 **II. ISSUES TO BE DISCUSSED AND PROPOSED AGENDA**

6 1. Status of Case Filings and Dismissals

7 2. ADR Status

8 3. Tribal Cases

9 **III. STATUS OF CASE FILINGS AND DISMISSALS**

10 As of July 17, 2023, approximately 5,762⁶ cases are pending in this MDL, naming 120
11 defendants. A list of these defendants is attached as **Exhibit A**. To date, 4,270 personal injury
12 cases and 1,434 government entity cases (including 1,348 school districts, 43 counties, 8 cities,
13 and 36 tribes) have been filed in this MDL. 822 MDL plaintiffs have voluntarily dismissed their
14 cases (813 personal injury plaintiffs, 27 class plaintiffs, and 2 school districts); 76 cases have
15 been dismissed without prejudice pursuant to CMO No. 8; and 782 MDL cases have been
16 dismissed with prejudice for failure to comply with CMO 16. Additionally, 193 cases are subject
17 to pending motions to dismiss non-communicating plaintiffs with prejudice that have not yet been
18 ruled upon. Furthermore, 238 case dismissals without prejudice have been converted to
19 dismissals with prejudice pursuant to CMO No. 8.

20 There are 775 complaints pending in JCCP 5052, which is assigned to Judge David S.
21 Cunningham of the Los Angeles Superior Court as the Coordination Trial Judge. There are 84
22 government entity cases, including 79 school districts, and 691 personal injury cases brought on
23 behalf of over 5,072 individual personal injury plaintiffs. There are 26 defendants named in those
24 JCCP cases.

25 **IV. ADR STATUS**

26 1. JLI Settlements

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28 ⁶ The numbers in this Statement reflect the Parties' good faith estimates based on reasonably
available information. The Parties will continue to work together to align their data and resolve
any inconsistencies.

1 **a. General Settlement Matters**

2 As announced at the December 6, 2022 Case Management Conference, Plaintiffs, JLI, and
3 the Director Defendants reached an agreement that creates settlement programs to resolve the
4 personal-injury, class, tribal, and government-entity cases as to those entities and individuals. *See*
5 ECF No. 3690. Administration of those settlements has been underway since.

6 The Parties will be prepared to discuss overall status of the settlement with the Court. The
7 Parties have enlisted the Settlement Master Thomas J. Perrelli to resolve issues relating to the
8 administration of the Personal Injury Master Settlement. The Parties expect the Settlement
9 Master to advise the Court of issues or concerns within 10 days. The Parties believe that this is
10 an important step that should happen prior to finalizing the settlement or to the running of any
11 obligation for any Party to exercise any rights afforded it under the PI MSA.

12 **b. Plaintiffs' Request for a Fee Committee**

13 On June 9, 2023, Plaintiffs moved the Court to appoint a Fee Committee to make
14 recommendations to the Court regarding allocation of law firm fee and cost common benefit
15 awards. ECF No. 4048. No opposition was filed, and the deadline for filing an opposition has
16 now passed. The hearing date for the Fee Committee motion is also July 19, 2023. *Id.* Plaintiffs
17 request an adjustment to the briefing schedule provided in the motion regarding the Fee
18 Committee's recommendations; the proposed revised schedule is attached as **Exhibit B** and will
19 be emailed to the Court as a proposed order.

20 **2. Altria Settlements**

21 As announced on May 10, 2023 during the *SFUSD* trial, Plaintiffs and the Altria
22 Defendants reached an agreement that will create settlement programs to resolve the personal
23 injury, class, and government entity cases as to Altria. Plaintiffs and the Altria Defendants are
24 finalizing documentation of the settlement. Plaintiffs and the Altria Defendants anticipate that
25 Plaintiffs will file their motion for preliminary approval of the class settlement by July 26, 2023,
26 and that the parties will file a proposed implementation order by July 26, 2023, with a proposed
27 discovery order for non-settling cases to follow.
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1 **V. TRIBAL CASES**

2 The Altria settlement does not include the Tribal Plaintiffs. Pursuant to Civil Local Rule
3 16-10(d), the Tribal Plaintiffs and the Altria Defendants report that they continue to confer with
4 Settlement Master Thomas J. Perrelli and cooperate with his recommendations.

5 The Court's May 19, 2023 Order to Amend Schedule, ECF No. 4038, extended in the
6 three Bellwether Tribal cases the deadlines by sixty days for fact discovery, expert reports,
7 expert depositions, and motions for summary judgment. The close of case-specific fact
8 discovery and the selection of the date for the bellwether trial now have a deadline of August 4,
9 2023. Witness availability for depositions, for both the Bellwether Tribes and Altria, requires an
10 additional forty-five day extension. The parties have agreed to an additional forty-five day
11 extension to complete fact discovery and anticipate submitting a stipulation and proposed order
12 extending the Tribal Cases schedule before the July 19, 2023 Case Management Conference.
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1 Dated: July 17, 2023

Respectfully submitted,

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